

FRANK J. UXA, JR.*
ROBERT D. BUYAN*
DONALD E. STOUT
KENTON R. MULLINS
JO ANNE M. YBABEL
LINDA ALLYSON FOX
GREG S. HOLLRIGEL, Ph.D.**

LAW OFFICES OF
STOUT, UXA, BUYAN & MULLINS, LLP

4 VENTURE, SUITE 300
IRVINE, CALIFORNIA 92618
(949) 450-1750
FACSIMILE: (949) 450-1764

WRITERS E-MAIL: gsh@patlawyers.com

PATENTS, TRADEMARKS,
COPYRIGHTS, AND RELATED
INTELLECTUAL PROPERTY
MATTERS

GORDON L. PETERSON (Retired)

*PROFESSIONAL CORPORATION
**REGISTERED PATENT AGENT

FACSIMILE COVER PAGE

DATE: January 13, 2005		RECEIVED CENTRAL FAX CENTER JAN 13 2005
PTO IDENTIFIER: Application Number 09/761,969 Patent Number Inventor: Garrity et al.		
TO: Mail Stop Amendment; Examiner Cook, GAU 1641 FAX NUMBER: 703-872-9306		
FROM: Greg S. Hollrigel PHONE: 949-450-1750 Attorney Dkt. #: A1712		
PAGES (Including Cover Sheet): <u>14</u>		
CONTENTS: 1. Transmittal Form (1 page); and 2. Amendment (12 pages).		
<p>The information contained in this facsimile message is privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service.</p>		

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/761,969	
	Filing Date	January 16, 2001	
	First Named Inventor	Garrity	
	Group Art Unit	1641	
	Examiner Name	Cook, L.V.	
Total Number of Pages in This Submission	14	Attorney Docket Number	A1712

RECEIVED
CENTRAL FAX CENTER
JAN 13 2005

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) 1. Facsimile Cover Page.
Remarks	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Greg S. Holtrigel Registration No. 45,374
Signature	/Greg S. Holtrigel/
Date	January 13, 2005

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at fax number 703-872-9306, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Greg S. Holtrigel
Signature	/Greg S. Holtrigel/
Date	January 13, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/761,969
Applicant : Garrity et al.
Filed : January 16, 2001
Title : VITAMIN D ASSAY

Confirmation No. 5878

TC/A.U. : 1600/1641
Examiner : Cook, L.V.

Docket No. : A1712
Customer No. : 33197

RECEIVED
CENTRAL FAX CENTER
JAN 13 2005

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to fax number 703- 872-9306, on the date indicated below.

Date: January 13, 2005

By: /Greg S. Hollrigel/
Greg S. HollrigelAMENDMENT IN RESPONSE TO OCTOBER 13, 2004 OFFICE ACTION

Dear Sir:

This Amendment is being submitted in response to the October 13, 2004 Office Action issued by the United States Patent and Trademark Office regarding the above-identified application. A response to the Office Action is due January 13, 2005. Please amend the subject application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.